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October 29, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

Re: Unbundled Access to Network Elements, Review of the Section 251 Unbundling
       Obligations of Local Exchange Carriers, WC Dkt. No. 04-313, CC Dkt. No. 01-338
       <u>Submission of Acknowledgements Concerning Compliance with Protective Order</u>

Dear Ms. Dortch:

On behalf Cbeyond Communications, LLC ("Cbeyond"), in accordance with the procedures outlined in the Protective Order adopted on August 20, 2004 in the above-referenced proceedings,[1] I am submitting herewith a copy of the Acknowledgement of Confidentiality executed by Thomas A. Hyde of Cbeyond, who will require access to confidential materials of the filings in the above referenced proceedings. A list of the parties from whom confidential materials are requested is attached.

Under the terms of paragraph 5 of the Protective Order, Mr. Hyde is not "Counsel" nor is he an employee, outside consultant or contractor to Counsel. Therefore, Form B, the Acknowledgement of Confidentiality, has been modified to the limited extent necessary to make clear his actual position. This limited modification in no way changes and is not meant to change the obligations imposed by the Wireline Competition Bureau through its Protective Order on Cbeyond, Counsel or other persons described in paragraph 5 of the Protective Order. Mr. Hyde is not involved in "competitive decision-making" as that term is used in paragraph 2 of the Protective Order.

Each of the parties listed in the enclosed certificate of service has been separately served, via fax and overnight mail, with this letter and signed Acknowledgements of Confidentiality. If confidential information from additional parties is sought, they will be served with Acknowledgements of Confidentiality as well.

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[1] *See Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order, DA 04-2603 (2004).

Please do not hesitate to call us at 202-303-1000 if any questions should arise in connection with this submission.

Respectfully submitted,

_____/s/_____
Jonathan Lechter*

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Washington, D.C. 20006
(202) 303-1000

ATTORNEYS FOR CBEYOND
COMMUNICATIONS, LLC.

*Admitted in Maryland only.

Federal Communications Commission **DA 04-2603**

APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 & WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Director-ILEC Relations, in which capacity I am responsible for Cbeyond's network operations and their integration with ILEC facilties. I will use my knowledge of Cbeyond's network along with the confidential information filed in this proceeding to work with Cbeyond's Outside Counsel to help determine where facilities impairment exists. I will not use such confidential information in any other capacity nor will I disclose such information except as speficially provided in the protective order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at _____Atlanta_____ this 29th day of _October 2004_.

[Name] Thomas M. Hyde
[Position] Director, ILEC Relations
[Address] 320 Interstate North Parkway
[Telephone] Suite 300
Atlanta GA 30339
678-424-2467

CERTIFICATE OF SERVICE

I, Jonathan Lechter, do hereby certify that on this 29th day of October, 2004, I caused to be served a true and correct copy of the foregoing Acknowledgements by delivering copies thereof by overnight delivery and facsimile to the following:

Verizon Jennifer Hoh Verizon 1515 N. Courthouse Road 5th Floor Arlington VA., 22201 Fax: 703-351-3662	SBC Kevin Walker Kellogg, Huber, Hanson, Todd & Evans, PLLC Sumner Square 1615 M St. N.W. Suite 400 Washington, D.C. 20036-3209 Fax: 202-326-7999
BellSouth Corporation Anthony V. Jones Senior Paralegal BellSouth 1133 21st Street, Suite 900 Washington, D.C. 20036 Fax: 202-463-4195	Qwest Christopher K. Calvert Wilkinson Barker Knauer, LLP 2300 N. St. N.W. Washington D.C. 20037-1128 Fax: 202-783-5851
AT&T David Petron Sidley Austin Brown & Wood LLP 1501 K Street N.W. Washington, D.C. 20005 Fax: 202-736-8711	Sprint Jeb Benedict 401 9th Street NW, Suite 400 Washington DC 20004 Fax: 202-585-1897
Gary Remondino* Wireline Competition Bureau Federal Communications Commission 445 12th Street, S.W.	New Jersey Ratepayer Advocate Christopher White 31 Clinton St. 11th Floor Newark NJ, 07102 Fax: 973-624-1047

_____ /s/Jonathan Lechter _____

*via e-mail